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**OFFICE OF PETITIONS**

In re Application of :  
Foster et al. : DECISION ON PETITION  
Application No. 10/039,784 : UNDER 37 CFR 1.137(f)  
Filed: 26 October, 2001 :  
Atty Docket No. 030048038US :  
:

This is a decision on the Petition under 37 CFR 1.137(f), filed on 13 June and supplemented by facsimile on 2 July, 2003, which is being treated as a petition filed under 37 CFR 1.137(b) to revive the above identified nonprovisional application.

The petition is **GRANTED**.

The above-identified application became abandoned pursuant to 35 USC 122(b) (2) (B) (iii) for failure to timely notify the United States Patent and Trademark Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by the following: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;<sup>1</sup> (2) the petition fee as set forth in 37 CFR 1.17(m); and, (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The present petition is in compliance with the requirements of 37 CFR 1.137(f). Accordingly, applicant's failure to notify the

<sup>1</sup>The filing of a petition under this section will not relieve applicant of the obligation to reply to any outstanding Office action.

Office timely of a foreign filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) is accepted as an unintentionally delayed. A Notice Regarding Rescission of Nonpublication Request setting forth the projected publication date, 9 October, 2003, accompanies this decision on petition.

This application is being forwarded to Technology Center 2600, for examination in due course.

Telephone inquiries specifically concerning this decision be directed to the undersigned at 703.308.6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Attch: Notice Regarding Rescission of Nonpublication Request